

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANTHONY ALTSON and
LEEMESHIA SULLIVAN,

Plaintiffs,

Case No. 23-12704

v.

Honorable Nancy G. Edmunds

LOANCARE, DITECH FINANCIAL LLC,
FIRST EQUITY FUNDING, and
HP FORECLOSURE SOLUTIONS, LLC,

Defendants.

/

**ORDER ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S
AUGUST 15, 2024 REPORT AND RECOMMENDATION [22]**

This lawsuit was filed by pro se Plaintiffs Anthony Altson and Leemeshia Sullivan against Defendants LoanCare, Ditech Financial LLC, First Equity Funding, and HP Foreclosure Solutions, LLC. (See ECF No. 6.) The case has been referred to Magistrate Judge Anthony P. Patti for all pre-trial matters. (ECF No. 9.) Before the Court is the Magistrate Judge's report and recommendation to grant Defendant LoanCare's motion to dismiss and motion for partial summary judgment. (ECF No. 22.) More specifically, the Magistrate Judge recommends granting LoanCare summary judgment on Plaintiffs' FDCPA claim and dismissing the remaining claims against LoanCare for failure to state a claim. The Magistrate Judge also notes that Plaintiffs' claims against the remaining, unserved defendants are similarly based on unsustainable legal theories.¹ No party has

¹ The Magistrate Judge recommends issuing an order requiring Plaintiffs to show cause why the operative pleading should not be dismissed against all defendants. The Court does not find this necessary. "A court dismissing a plaintiff's claims against moving defendants may *sua sponte* dismiss non-moving defendants as well where it is clear that the same ruling would inevitably apply to each of the defendants." *Varner v. Smith*, No.

filed objections. “[T]he failure to object to the magistrate judge’s report[] releases the Court from its duty to independently review the matter.” See *Hall v. Rawal*, No. 09-10933, 2012 U.S. Dist. LEXIS 120541, at *2 (E.D. Mich. Aug. 24, 2012) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). Nonetheless, the Court has reviewed the matter and agrees with the Magistrate Judge. Thus, the Court ACCEPTS AND ADOPTS the Magistrate Judge’s report and recommendation (ECF No. 22). Accordingly, the Court GRANTS Defendant LoanCare’s motion (ECF No. 15) and DISMISSES Plaintiffs’ claims against all defendants.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: September 9, 2024

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 9, 2024, by electronic and/or ordinary mail.

s/Marlena A. Williams
Case Manager

13-15070, 2014 U.S. Dist. LEXIS 183234, at *30 (E.D. Mich. Dec. 23, 2014) (internal quotation marks and citations omitted). Moreover, Plaintiffs could have objected to the Magistrate Judge’s statement regarding their claims against the remaining, unserved defendants but did not do so. Because those claims are based on the same unsustainable legal theories, the Court will dismiss all defendants.